

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N/S of Walker Road, 5,280 +/- E		
of Middletown Road	*	DEPUTY ZONING COMMISSIONER
6th Election District		
3rd Councilmanic District	*	OF BALTIMORE COUNTY
(1216 Walker Road)		
	*	CASE NO. 02-391-A
Rebecca A. & Brent R. Whitaker		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Rebecca and Brent Whitaker. The variance request is for property located at 1216 Walker Road in the Freeland area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory structure (shed) to be located in the side yard in lieu of the rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

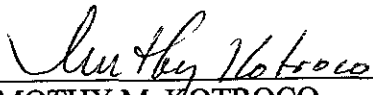
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

[Handwritten signature and notes in the left margin]

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of April, 2002, that a variance from Section 400.1 of the B.C.Z.R., to permit a proposed accessory structure (shed) to be located in the side yard in lieu of the rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDERED FOR FILING
Date 4/10/02
By R. J. J. J.



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

April 11, 2002

Mr. & Mrs. Brent R. Whitaker
1216 Walker Road
Freeland, Maryland 21053

Re: Petition for Administrative Variance
Case No. 02-391-A
Property: 1216 Walker Road

- Dear Mr. & Mrs. Whitaker:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1216 Walker Rd. Freeland, MD 21053
which is presently zoned RC 4

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 BCCR TO PERMIT A PROPOSED ACCESSORY STRUCTURE (SHED) IN SIDE YARD IN LIEU OF REAR YARD.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Brent Robert Whitaker

Name - Type or Print

Signature

Rebecca Ann Whitaker

Name - Type or Print

Rebecca Ann Whitaker

Signature

410 576 - 3852 W

1216 Walker Road

410 343-0409 H

Address

Telephone No.

Freeland,

MD

21053

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 15 day of March 2002 that the subject matter of this petition be set for a public hearing, advertised as required by the zoning regulations of Baltimore County and that the property be reposted.

[Signature]
Zoning Commissioner of Baltimore County

Reviewed By JL

Date 3/15/02

Estimated Posting Date 3/25/02

CASE NO. 02 391 A

REV 10/25/01

ORIGINAL FILED FOR FILING

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

1216 Walker Road
Address
Freeland, MD 21053
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

1. The grade of our land drops rapidly behind the rear foundation of our house. If we locate the shed behind the house, it would be extremely difficult and sometimes impossible, to access the shed in icy and snowy conditions.
2. Our property is unique from our neighbor's because our backyard adjoins their front yard. Placement of the shed behind the rear of our foundation actually puts it much closer to the front of our neighbor's house (see photos).
3. We have a row of Norway spruce trees and a second row of Leland Cyprus trees, which are rapidly growing (3-5 feet a year). If we are able to locate the shed as requested, it will be completely blocked from our neighbors' sight within 1-2 years. Also, if we are able to situate the shed as requested, there would be over 100 feet of buffer between the shed and the private road we share with our neighbors. There is also a hedge running along this private road. This hedge will block the site of the shed from the private lane in approximately 2 more years of growth.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Brent Robert Whitaker
Signature

Brent Robert Whitaker
Name - Type or Print

Rebecca Ann Whitaker
Signature

Rebecca Ann Whitaker
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13TH day of MARCH, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

BRENT ROBERT WHITAKER & REBECCA ANN WHITAKER (DRIVERS LICENSES)
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



REV 10/25/01

Denise Smarica
Notary Public

My Commission Expires 5/21/02

Continuing Description

1216 WALKER RD,

BEGINNING AT A POINT ON THE NORTH SIDE OF WALKER RD (A 40 FT. RW.) AT A DISTANCE OF 5,280 FT. \pm EAST OF MIDDLETOWN RD, THENCE THE FOLLOWING COURSES AND DISTANCES NE 410', NE 710.89', SE 223.23', NE 225.74', SW 594.27', SW 65.11', SW 743.81', ~~THEN~~ THEN ALONG THE NORTH SIDE OF WALKER RD NW 13.28' BACK TO THE POINT OF BEGINNING. BEING 5.25 AC \pm IN THE 6TH E.D., 3RD COUNCIL DISTRICT,

R.A.W. 3/15/02
gfw 3/15/02

AND
72
391
No. 112

ACCOUNT

01006650

AMOUNT

50.00

RECEIVED
FROM: Smith, R. E.

FOR: Kes ABIMAC

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADM.

RE Case No 02-391-A

Petitioner Developer WHITAKER, ETAL

Date of Hearing/Closing 4/9/02

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111,
111 West Chesapeake Avenue
Towson, MD 21204

Attention JOHN L. ZONING & GEORGE ZAHNER

Ladies and Gentlemen.

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #1216 - WALKER AVE

The sign(s) were posted on 3/22/02
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 3/30/02
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

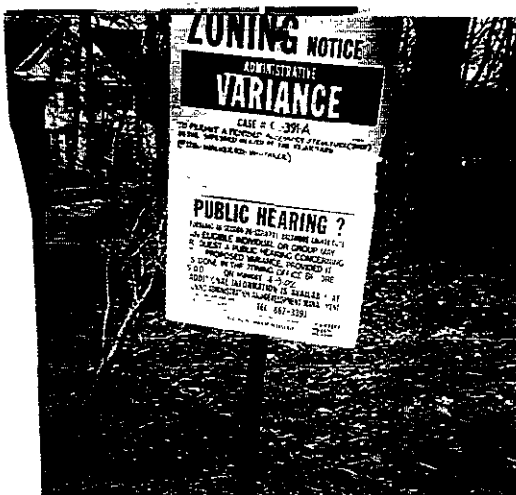
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephone Number)



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number 02 391 A
Petitioner Brent Robert and Rebecca Ann Whitaker
Address or Location 1216 Walker Road

PLEASE FORWARD ADVERTISING BILL TO

Name Brent R. Whitaker
Address 1216 Walker Road
Freeland, MD 21053
Telephone Number 410 343-0409

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 02- 391 -AAddress 1216 WALKER RDContact Person: J LEWIS

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 3/15/02Posting Date: 3/25/02Closing Date: 4/09/02

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMATCase Number 02- 391 -AAddress 1216 WALKER RDPetitioner's Name BRENT & REBECCA WHITAKERTelephone 410.576.3852Posting Date: 3/25/02Closing Date: 4/09/02

Wording for Sign: To Permit A PROPOSED ACCESSORY STRUCTURE (SITED) IN
SIDE YARD IN LIEU OF REAR YARD.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 8, 2002

Mr. & Mrs. Brent Robert Whitaker
1216 Walker Road
Freeland MD 21053

Dear Mr. & Mrs. Whitaker:

RE: Case Number: 02-391-A, 1216 Walker Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 15, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDC
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

Come visit the County's Website at www.co.ba.md.us





Baltimore County

Fire Department

Department of Permits and
Development Management (PDM)

County Office Building, Room 111

Mail Stop #1105

111 West Chesapeake Avenue

Towson, Maryland 21204

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF March 25, 2002

Item No.: See Below

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

378, 381, 383, 386-389, 391-394, 396-400

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

COUNTY REVIEW GROUP MEETING{PRIVATE }

County Review Group comments

Come visit the County's Website at www.co.ba.md.us



py
4/6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: March 29, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

MAR 29 2002

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-362, & 02-364, 02-367, 02-387, 02-391,
and 02-393

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Lynn T. Kane

AFK/LL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 3.26.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 391

JL

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1216 Walker Road SEE PAGES 1 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Walker Ridge

PLAT BOOK # 2 FOLIO # 2 LOT # 2 SECTION # 1

OWNER Brent R. and Rebecca A. Whitaker

Lot 3
owned
by
Philip E.
Gloria J.
Donlin

Act. #
2206000247

5.25 AC.

Lot 2

Brent R.
Rebecca A.
Whitaker

Act. # 2206000248

Lot 1
owned by
B Hunter, 3rd
Mollie Wilson
M. Calloch

5.24 Acres

Existing Dwelling

1218

Front



approximately 100'

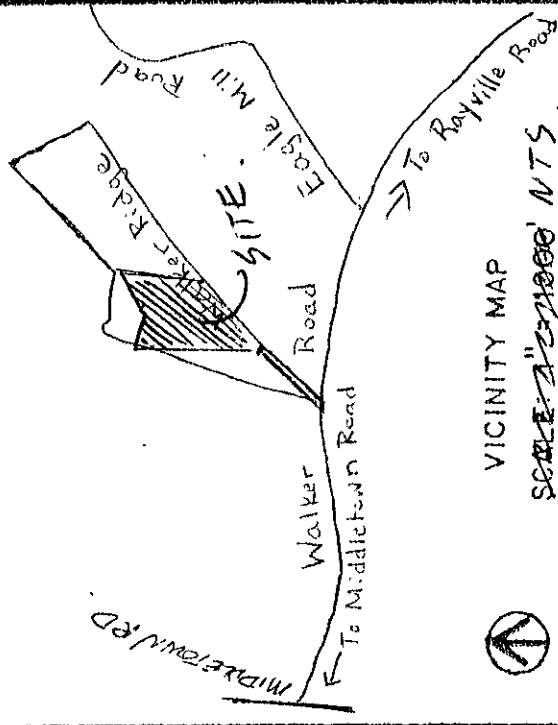
5,280' TO
MIDDLE TOWN RD

NW 1/4, 28-1

APR 3/15/02
RAW

SCALE OF DRAWING: 1" = 100'

Consultants Inc



VICINITY MAP
SCALE 1" = 1000' N.T.S.

LOCATION INFORMATION

ELECTION DISTRICT 6th

COUNCILMANIC DISTRICT 3

1" = 200' SCALE MAP # NW 34 D

ZONING RC 4

LOT SIZE 5.25 ACRES 228,690 SQUARE FEET

SEWER ☐ PUBLIC ☒ PRIVATE ☒

WATER ☐ ☒

CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒

100 YEAR FLOOD PLAIN YES ☐ NO ☒

HISTORIC PROPERTY/BUILDING YES ☐ NO ☒

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY JL ITEM # 391 CASE # 1

NW 34D
#391

R. C. 4

R. C. 4

R. C. 4

R. C. 4

R. C. 5

R. C. 4

